

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JENNIFER S. FISCHMAN,

Plaintiff,

v.

MITSUBISHI CHEMICAL HOLDINGS
AMERICA, INC. et al.

Defendants.

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: CIVIL ACTION NO.: 18-CV-08188
: (JMF)
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**DECLARATION OF MATTHEW L. BERMAN
IN OPPOSITION TO MOVING DEFENDANT’S MOTION TO DISMISS
THE FIRST AMENDED COMPLAINT**

I, Matthew L. Berman, an attorney duly licensed to practice in the State of New York, hereby affirm as follows:

1. I am a partner with the law firm Valli Kane & Vagnini, LLP, counsel for plaintiff Jennifer S. Fischman in the above-captioned matter. I am a member of the bar of the State of New York.

2. I submit this Declaration, together with the attached exhibits and Plaintiff’s Memorandum of Law (“**MOL**”) in Support of Plaintiffs’ Motions in Limine to Exclude the Reports and Anticipated Testimony of Chad Staller and Rona Wexler, filed contemporaneously with this Declaration.

3. The exhibits identified below are true and correct copies of the following records:

- a. Exhibit A: Report of Chad Staller (*sans* 599-page exhibit of job postings).
- b. Exhibit B: Report of Rona Wexler.

- c. Exhibit C: Transcript of Deposition of Rona Wexler.
- d. Exhibit D: *Yang v. Navigators* (unreported decision cited in the MOL).
- e. Exhibit E: Exhibit 3 to the Transcript of the Deposition of Chad Staller.
- f. Exhibit F: Transcript of the Deposition of Chad Staller.
- g. Exhibit G: Excerpts of the Transcript of Deposition of Jennifer Fischman
(excerpted pages: 468:11-24, 476:6-10, 568:18 – 569:6; 587:13 – 23).
- h. Exhibit H: *Curriculum Vitae* of Rona Wexler (marked as Exhibit 2 to the
deposition of Rona Wexler).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: Garden City, New York
November 1, 2022

By: /s/ Matthew L. Berman